

Applicant: Jerzy A. Georgiades  
Serial No. 09/719,944  
Filing Date: 02-MAY-01  
Group Art Unit: 1646  
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### REMARKS

By this Amendment, claims 5, 6, and 9-19 have been canceled without prejudice. Claims 1-4, 7 and 8 are thus the only claims presently pending in the application.

### *Election/Restriction*

In the prior Office Action, the Examiner determined that restriction was required under 35 U.S.C. §§121 and 372. Although applicant respectfully disagrees that restriction is necessary or permitted<sup>1</sup>, in an effort to expedite consideration of the application, applicant hereby elects to prosecute the invention of Group I, claims 1-4, 7 and 8. By this Amendment, non-elected claims 5, 6, and 9-19 have been canceled without prejudice.

Also in the prior Office Action, the Examiner issued a requirement that applicant elect a single species of cytokine to which the claims shall be restricted if no generic claim is finally held to be allowable, and to identify the claims readable on the elected species. In response thereto, applicant hereby elects the cytokine "interferon  $\alpha$ ", which is presently only readable on claim 4.

### *Conclusion*

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<sup>1</sup> In the Office Action, the Examiner repeatedly makes reference to policies of the "ISA/US" relating to unity determinations. However, the US is not the ISA for this application. The ISA for this application is GB. The ISA/GB previously considered claims 1-15 of the corresponding International Application (WO 99/65329) thereby determining that the unity requirement set forth in PCT Rule 13 was met. Accordingly, under Article 27(1), the USPTO cannot further require restriction in this application.

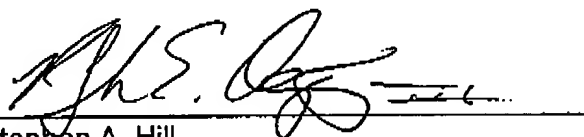
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**Conclusion**

In light of the foregoing, it is submitted that the application is presently in condition for allowance, and a notice to that effect is therefore earnestly solicited.

Respectfully submitted,

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